

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2024070512

ORDER GRANTING MOTION TO AMEND COMPLAINT

OCTOBER 29, 2024

On July 15, 2024, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Cupertino Union School District. The due process hearing is scheduled to commence on November 13, 2024. On October 24, 2024, Student filed a Motion to Amend the Due Process Hearing Request and an amended complaint. On October 28, 2024, Cupertino Union filed notice that it did not oppose the motion to amend.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C.

§1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend was filed more than five days prior to the due process hearing, and Cupertino Union does not oppose the motion. Therefore, the motion is timely and is granted.

The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. All previously scheduled dates are vacated. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings